

EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALANA KARPOFF SCHWARTZ, Individually and on
behalf of a class,

Plaintiff,

13-civ-5735 (PGG)

**AFFIDAVIT OF
YOLANDA LAURY**

- against -

INTIMACY IN NEW YORK, LLC; INTIMACY
MANAGEMENT COMPANY, LLC,

Defendants.
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State of Georgia)
) ss.:
County of DeKalb)

Yolanda Laury, being duly sworn, deposes and says:

1. I am the Information Technology Manager of Intimacy Management Company, LLC and I make this affidavit on the basis of my personal knowledge.
2. On February 20, 2012, I began my employment with Intimacy Management Company, LLC, located at 3980 Dekalb Technology Parkway, Suite 760, Atlanta, Georgia 30340.
3. I currently hold the position of Information Technology Manager with Intimacy management Company, LLC.
4. On or around June 21-26, 2012, I flew to New York to visit Intimacy stores in the New York region to make technology updates, software updates, service patches, to resolve internet issues, and to resolve any on-site issues presented directly to me by store personnel.

5. On my visit to the Intimacy store located at 1051 Third Avenue, New York, New York, 10065 ("3rd Avenue Store"), a staff member at the 3rd Avenue Store requested a modification to the store's receipt template to reflect split transactions that show when a customer submits multiple forms of payment.

6. To accommodate the staff member's request to modify the store-level receipt template at the 3rd Avenue Store, I manually copied the store-level receipt template from the Intimacy store located at 1140 Garden State Plaza, Paramus, NJ 07652 ("Garden State Store"). Each and every store has its own store-level receipt template.

7. I used the Garden State Store receipt template upon the suggestion of the staff member at the 3rd Avenue store because I was told the Garden State Store's receipt template showed split transactions.

8. Unbeknownst to me, the receipt template that I copied to the 3rd Avenue Store from the Garden State Store's receipt template included a field to capture the expiration date on credit cards, and this is why expiration dates began to appear on the 3rd Avenue Store receipts during my visit to New York on or around June 21-26, 2012. Upon present information and belief, the Garden State Store was the only store in 2012 that had a store-level receipt template which included a field that captured and displayed expiration dates prior to my visit to New York on or around June 21-26, 2012.

9. Sometime in December 2012, Intimacy Management Company LLC updated its return policy for all store locations.

10. Once the wording for the new return policy was approved, it was my job to make sure the new return policy was updated and reflected on all store receipts.

11. I made changes to the Master receipt template on the main server, which was saved under file name "Intimacy.rpt". These changes were made to reflect the updated wording of the new return policy.

12. Upon approval of the display of the return policy on a test receipt, I distributed the file "Intimacy.rpt" from the main server through our daily automated process to all store locations.

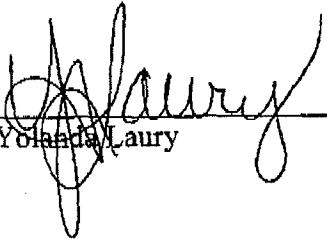
13. After each location's point of sale system downloaded the Master Receipt Template changes from the main server to the temporary directory for each store, I logged in and moved the file (i.e., "Intimacy.rpt") from the temporary location and placed it into the live directory of each store location under the same name ("Intimacy.rpt") for the new changes to take effect, and this template, that included the new return policy, became the standard receipt template for all store receipts.

14. On or around September 2013, shortly after Intimacy Management Company, LLC received the lawsuit, "Alana Karpoff Schwartz v. Intimacy in New York, LLC; Intimacy Management Company, LLC", I was asked to review whether our store receipts included the expiration date and/or more than 5 of the last digits of the card number.

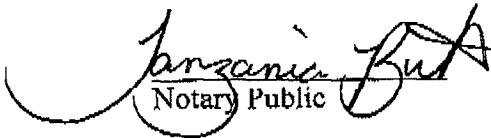
15. Upon my review of the Master receipt template on the main server, "Intimacy.rpt", I discovered that the Master receipt template did include fields for the expiration date and a field for not more than the last 5 of the digits of the credit card number.

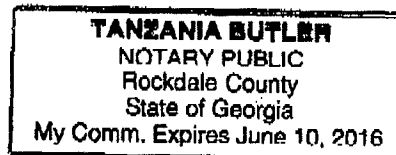
16. Upon further view, I now realize that when I made the change to the Master receipt template on the main server sometime in December 2012 to reflect the new return policy, I assumed the Master receipt template on the main server, "Intimacy.rpt", was the same template that was being used for all locations, which also used a template by the same name "Intimacy.rpt".

17. I did not intend, nor did I realize, that the expiration date was disclosed on the store-level templates after I made the change. My intent was to only modify the language of the return policy on the receipt.


Yolanda Laury

Sworn to before me this
28th day of January, 2014


Notary Public



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